

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58651 of 2023

Arising Out of PS. Case No.-647 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SHUBHAM KUMAR S/O BINOD YADAV R/O SAKHICHAND GHAT
ROAD, PS- KOTWALI (JOGSAR), DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Kotwali (Jogsar) P.S. Case No. 647 of 2023 registered under Sections 21 (b) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 of the Indian Penal Code lodged on 14.07.2023 by the informant, Reeta Kumari.

3. As per the prosecution story, the police during patrolling raided the house of the petitioner, two accused persons apprehended, the petitioner being one of them. Total 64 grams brown sugar recovered from his pocket while 33 grams of brown sugar recovered from another co-accused, Ankit Kumar. Upon query, it was informed that 9 gram of brown



sugar was sold to one Deepak Kumar @ Ghantu and his house was also raided and 9 grams of brown sugar was recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioner that the police has implicated the young boy of 19 years of age, do not have criminal antecedent and in any case, the recovery/seizure is below the commercial quantity of 250 grams. The last submission is that the petitioner being a student undertakes to visit District Library, Bhagalpur after paying subscription fee of one year every fortnight

5. Learned APP for the State opposes the prayer for bail there is recovery of brown sugar.

6. Considering the submissions put forward by the learned counsel for the parties, he is 19 years old, do not have criminal student, has remained in custody since 14.07.2023 (as stated in paragraph-10 of the petition), keeping him in jail with hardened criminals will not serve any fruitful result, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case



NO. 647 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) he shall visit District Library, Bhagalpur every fortnight for a year and remain there for an hour after paying the annual subscription fees. In case, he faces problem in visiting the library, can seek help of the District Legal Services Authority, Bhagalpur

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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